

## SUPREME COURT SEATS CAMPBELL AS GOVERNOR

## OFFICIAL ORDER GIVEN BY WAR DEPARTMENT FOR WITHDRAWAL OF TROOPS SOUTH OF BORDER

## HOLD REVIEW OF ARTILLERY ON BORDER

[EL PASO, Jan. 27.—General St. John Greble, commanding the provisional artillery division here and General Greble, Jr., in charge of the El Paso district, held a review today of the largest assembly of artillery brought together in the United States since the civil war. The division consisted of 14 guns, ranging from howitzers to field guns. There were 6-inch and 4.7 inch guns and the ordinary field guns, firing shells ranging in weight from 15 to 120 pounds. A review of the cavalry equipped here will take place Monday.

## PERSHING'S MEN MAKE THEIR WAY ACROSS DESERT

## [Republican A. P. Leased Wire]

EL PASO, Jan. 27.—Like a living picture, the American military expedition, tramped along the high road leading from Colonia Dublan to the border today on the first leg of the march which will be the closing chapter of the Mexican campaign, after Francisco Villa, infantry, cavalry, artillery and motor trucks moved along the tree-lined highway, which crosses the plateau overlooking the Casas Grandes valley, like the old prairie schooners of the days of forty-nine moved across the plains on the sunset trail. Tonight the troops were camped along the road with the head of the column resting near Hirsch's Hole, 20 miles north of the Mormon colony where General Pershing has made his headquarters since the expedition crossed the desert of Villa and his band of followers, arrivals at the border said.

The last review at the field headquarters was held before dawn today, and, by surprise, the advance guard of the expeditionary forces was well on the way toward the border, according to American radio news from the frontier late today on truck trails to Columbus, N. M.

General Pershing and his staff were expected to be among the first to leave the field headquarters and will ride to the first night's encampment in automobiles with the rear guard, these arrivals said. The long march to the Mexican-American border will be resumed tomorrow, it was said.

The Associated Press was the first to inform General Pershing of the formal order for the withdrawal of his column today and he immediately made a change in his plans for the exodus, the soldiers reported tonight upon their arrival here. Instead of establishing a field base at Ojo Federico, 40 miles from the border as was originally planned, there to await the formal order for withdrawal, General Pershing was said to have arranged to establish his temporary field headquarters at Las Palomas Lakes, seven miles south of the border where he would hold a general review of them before they made the last lap of the march into Columbus. The actual crossing of the border would not occur, it was predicted tonight, until later in the week.

Following in the wake of the troops were hundreds of refugees, forming a haggard line anything seen on the border of the two republics. Prospering Mormon families were riding in com-

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## [Republican A. P. Leased Wire]

WASHINGTON, Jan. 27.—Withdrawal of the American military expedition in Mexico was ordered by the war department today, and by the end of another week the entire command, after ten months on Mexican soil, probably will have recrossed into the United States.

The order went to General Funston, in command at the border, and left to his discretion the exact time of starting the northward movement and the details of carrying it out. For several weeks the army has been concentrated for the march. Officials here understand that some advance units already have started north, and believe that within forty-eight hours the whole column will be in motion.

At the border the regulars will receive a considerable portion, if not all, of the national guard remaining on duty there. There are about 2,500 of the state troops in the border patrol have been ordered home, and their movement probably will be underway by the time Pershing's men arrive on American soil.

Although officials have been silent on the subject of Mexico since the future of the United States, the developments outwardly have coupled the troops withdrawal with Carranza's refusal to accept the Atlantic City protocol and have plainly forecast an intention to let the first chief settle for himself hereafter the many problems endangering the tenure of the de facto government.

A patrol considered adequate to protect the border will be maintained rigidly, however, and notice has been served on Carranza that the United States will not hesitate to use its armed forces again if necessary to protect American territory and American rights. The Americans on joint commission told their Mexican colleagues at Atlantic City that this government never would relinquish the right of unlimited and unrestricted passage of its lands to the border.

All the recent moves in the Mexican situation, however, and all these in the effect that the Mexicans who are keeping secret the state of the administration. After Carranza sent back the Atlantic City protocol without his signature, it was made known that the next step would be taken without announcement and that the future policy of the administration would be revealed only as it was translated into action. In the wake of this decision, the war department made an announcement of the withdrawal order today, and officials there said that the next step would be to draw the troops followed closely upon the failure of Carranza to ratify the American commission's recommendation of this decision immediately, and soon after that went into Mexico and discussed with General Pershing personally the question of moving the troops. His return to the border was followed

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## Campbell Gratified by Decision

Governor Campbell was in a highly concentrated state of good humor last night, when hundreds of people crowded the Adams Hotel lobby to shake hands with the chief executive. When asked for a statement, that the people of the state might know his attitude as to the decision, the governor had the following to say:

"I feel gratified with the decision and only regret that it was not unanimous, as I had confidently expected it to be. My confidence in our courts is and has always been strong, and today's action but confirms that opinion. This same confidence is held by me in the integrity of the superior court, in which the election contest is on trial, and I firmly and honestly believe it will find me to have been legally elected governor, as heretofore shown by the official returns.



Governor Campbell

## GOVERNOR HOLDS HUGE RECEPTION AT ADAMS

## CAMPBELL'S CAMEL ALIVE

Bisbee democrats, the wildest adherents of former Governor Hunt, have capitulated. Last night Governor Campbell received a camel molded out of copper slag, made by miners at Bisbee, with the avowed intent of burying it when Governor Campbell was defeated. Finding that the governor is very much alive, and very much on the job, the Bisbee democrats decided to give in and tendered the copper camel to the governor as a peace offering. Governor Campbell grasped the camel and held it in his left hand all during the evening last night during the reception at the Adams.

Governor Thomas E. Campbell came into his own last night. The governor had expected to spend a quiet evening with his family, and with that end in view quietly left himself in the Columbia theater early in the evening. When his ardent supporters found out that at that time, in reality, the governor was in the north had been seated in the chair of the chief executive, there was no holding them back.

The Indian school band was hastily ordered to come down town, bringing everything it had in the line of musical instruments and make preparations to play as they had never played before.

Shortly after the arrival of the band at the Hotel Adams, a self-appointed, though none the less enthusiastic committee made its way to the Columbia, and without as much as a by your leave, ordered the governor to come hence, and make his way immediately to the Adams.

Anxious to please, and wearing the smile that has not faded in spite of the trials and tribulations following the election, the governor strode into the lobby of the Adams, with the band playing, and the huge crowd shouting itself hoarse. It was indeed a moment of triumph, and the governor looked everlastingly a conqueror.

He ascended to the mezzanine floor, and after a few minutes' stay, in quieting the shouting crowd. He made a brief talk, telling those present that if they would stick with him as he had in the past, and as he had stood by them, all would go well in the future. He repeated his pledge to work for the people of the state, and with a few well chosen remarks, concluded. His conclusion was the signal for another wild outburst of cheering.

Following the speech, practically everyone in the down town section, and most everyone in the uptown section, took last night, ascended the stairs to shake the governor's hand. He had a smile and a good word for everyone. The rich, the poor, the halt and the lame, all were greeted warmly by the governor, and told that they were welcome to call upon the state's chief executive at any and all times.

The crowd around the governor became so thick, that it was necessary to have hotel attendants, marshal his admirers into some sort of a line, and have them approach the chief executive one at a time. The line reached well down stairs, people constantly descending, while another stream, equally as large, and equally as excited, made its way upward.

Mrs. Campbell was present and held a little reception all her own near that of the governor's.

No congratulations.

It was stated last night by those near to Governor Campbell, that former Governor Hunt had not as yet congratulated the new chief on his taking office. When Governor Campbell called upon the former governor in his office at the state house shortly after his inauguration, and demanded that Mr. Hunt hand a letter to the governor stating that he would relinquish the office when the courts had decided who was the proper possessor, and at that time he would be the first to congratulate Governor Campbell.

Leroy Ladd, secretary to the former governor called up Governor Campbell on the phone last night and congratulated him, and at the same time asking the governor if it would be satisfactory if the office was not turned over to him until Monday morning. Governor Campbell explained to him that it would be satisfactory with him, and there the matter dropped.

## HUNT EJECTED FROM OFFICES BY SUPREME COURT, CAMPBELL TO TAKE SEAT IMMEDIATELY

Days of Breathless Waiting Ended When Highest Tribunal Decides that Thomas E. Campbell Is the De Facto Governor of the State, by Virtue of Having Received Certificate of Election; Will Take the Office Monday Morning; Hunt Announces He Will Not Be at State House Any More

Thomas E. Campbell is the de facto governor of Arizona. After sixteen days of deliberation, two members of the state supreme court, Chief Justice Franklin and Justice Ross, decided that Campbell, in view of the fact that he has been issued a certificate of election by the secretary of state, holds prima facie evidence that he is the de facto governor of the state. Justice Cunningham dissented, claiming in his opinion that asking a mandamus to remove former Governor Hunt from his office is not the proper procedure. He intimates that Governor Campbell should have resorted to quo warranto proceedings.

The case was submitted to the supreme court on January 11th. Since that day, there has been a steady stream of inquiries directed at the clerk of the court as to when the decision would be down. When it was ascertained yesterday afternoon that no decision was in view, those vitally interested gave up, and predicted that the first of the week would see action. Late yesterday the supreme court surprised even its own attaches by announcing that court would open. At five o'clock the decision was handed down, and in a few moments a rumor had spread over the city that at last the hopes of Arizona had been fulfilled, and Campbell was governor actually as well as in name.

## The Decision

The decision is the work of Chief Justice Franklin. It covers a closely typewritten page, and goes into the case from every angle. In the very first paragraph the court explains why it was so long in arriving at a decision. "The equity of the court," says Chief Justice Franklin, "must from the most trivial to the most solemn occasions be strict to it, without waiting for the decision to appear, and, when partiality and prejudice are totally to be excluded and the true state of the law as far as it may have light to disclose it, preside in its temple. To this end we must give it that same patient and conscientious attention before pronouncing judgment, that every case presented in this court deserves, no matter what the matter involves."

Summing up briefly, the court has decided that beyond the peradventure of a doubt, the person receiving the highest number of votes for the office of governor is the lawful governor of the state, and that the canvass of the results as announced by the secretary of state, or the issuance of a certificate of election, in fact any or all of these things do not invest anyone with a right which belongs to the state, and which belongs to any other office in the balance. Furthermore, the court sustained the contention of Gov. Campbell's attorneys that when the governor was sworn in as the chief executive of the state, he automatically created a vacancy in the tax commission. Justice Cunningham dissents, claiming Gov. Campbell may be de facto tax commissioner if not governor.

Although the decision does not grant the writ of mandamus asked by Gov. Campbell's attorneys, it contains a written invitation for former Governor Hunt to give up his office its books, paraphernalia, etc., without the court having to resort to issuing the writ and compelling him to withdraw.

In this regard, the decision has the following to say:

"Finally I am of the opinion that plaintiff is entitled to the writ prayed, but that it is unnecessary to issue it instantly. I am convinced that upon being made acquainted with his duty under the law as interpreted by this court, the defendant will gracefully yield a temporary possession to depend upon a judicial determination of the ultimate right. This is but that deference and respect due from the supreme power in one department of the government and which this court has and will show, to the highest authority in another and coordinate branch thereof. The distinguished citizen in high station now in possession of the office belonging, in good faith is convinced of his duty under the constitution and laws to retain the possession of the place, subject to the judicial remedy, and this is not an improper remedy, under the circumstances, to the end that he may lose no rights by a voluntary surrender on the ground of estoppel or otherwise. If upon judgment the defendant is successful in the contest, the power of the law will promptly relinquish him; if not, that same power will recognize the plaintiff, if successful, as the lawful officer and submerge his defunct character which now attaches into that of the de jure governor, having the ultimate lawful right and just title to the office. If it should become necessary however, a showing may be made to that effect and the writ prayed will then issue as a matter of course."

Explanation of issuing the writ of mandamus, Chief Justice Franklin takes the opposite stand to that of Justice Cunningham. The chief justice declares that Governor Campbell, being in possession of the prima facie evidence of election to office, could take no other action than asking for a writ. In this regard, he has the following to say:

"If the law provides for a canvass and a certificate of election as evidence of title to an office, it is a clear principle of law deducible from all the

## "Will Not be There" Says Hunt

"I will not be at the state house Monday morning."

—FORMER GOVERNOR HUNT.

"The governor's office will be turned over to Mr. Campbell at nine o'clock Monday morning. There is not much to be said. Governor Hunt will not wait for the writ to be issued by the supreme court—he will abide by the law."

—LEROY LADD, Secretary to Former Governor Hunt.

"Neither Mr. Ladd nor Mr. Hunt has anything to say as to when Governor Campbell shall take possession of the office. Malcolm Fraser, secretary to the governor, will take possession of the office whenever he sees fit. Governor Campbell and Mr. Fraser are the only people entitled to possession of the office since the first of the year."

—THOMAS MADDOCK, Chairman Republican State Central Committee

authorities I have read that such constitutes a prima facie title; that it is necessary that there should be some expeditious remedy for or method of putting every office in the possession of the person who is prima facie entitled to it, without waiting for the determination of the ultimate right to such office. The remedy by mandamus is such a method and has been used for this purpose from the earliest times.

The court is of the opinion that if former Governor Hunt's contention that a certificate of election is not a prima facie evidence of election, then the contest instituted by Mr. Hunt in the superior court cannot be maintained. That is, the contest itself is based on the fact that Governor Campbell has been declared elected, and without some sort of an official declaration there would be no grounds for a contest, and the conflicting claims

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## Seattle Officials Indicted As Members of Booze Ring

## [Republican A. P. Leased Wire]

SEATTLE, Wash., Jan. 27.—Mayor Hiram C. Gill, Chief of Police Charles L. Beckingham and former Sheriff Robert T. Hodge were indicted today by the federal grand jury charged with violation of the federal liquor law.

Government agents charge Mayor Gill received a \$4,000 bribe in connection with the activities of an alleged ring which has made illegal liquor shipments into Washington since the prohibition law became effective a year ago.

Indictments were also returned against four city detectives and a former policeman who with Mayor Gill, Chief Beckingham and Hodge, are charged by the government with graft and conspiracy to violate the interstate commerce and federal liquor laws.

Detectives indicted are Meyer M. Heiser, John Paulman, James E. Doan and Dan J. McElmann, who are charged jointly with Gill, Beckingham and Hodge in two counts.

C. J. Mullen, former policeman, is charged with attempting to intimidate government witnesses in an effort to induce them to jump their bond and flee to Canada.

Others indicted include Logan and Fred Billingsley, heads of the so called liquor syndicate; W. H. Pielow, president of the Pielow Special Delivery and Transfer company; Edward P. Baker, manager of the Jesse Moore Hunt company, a San Francisco liquor firm, and William Frazier of the

Frazier Transfer company of Seattle. All of the thirteen defendants are charged jointly with conspiracy in one indictment, with the exception of Mullen, who is accused singly.

Mayor Gill, Chief Beckingham and Hodge, with the four city detectives, former members of the water front division of the police "dry" squad, are charged with plotting with the Billingsleys to ship quantities of whiskey into Seattle under organized official and police protection.

Mayor Gill is accused by the government with having accepted the \$4,000 bribe from Logan Billingsley at the time the alleged conspiracy began.

[Republican A. P. Leased Wire]

CINCINNATI, Jan. 27.—Twenty-four men arrested on indictments returned by the federal grand jury which investigated alleged frauds at the last presidential election pleaded guilty to vote selling when arraigned in the United States district court here today. Six others indicted on the same charge pleaded not guilty. These six and the twenty-four who pleaded guilty were committed to the Dayton jail

Several instances where Chief Beckingham took substantial bribes from the Billingsleys and in which, it is charged, he aided them to steal liquor consigned to other persons, are alleged by the federal authorities.

Hodge also is charged with taking money from the "whisky ring" and together with the mayor and the police, with providing the syndicate with protection for its illicit operations.

Bench warrants for the arrest of the defendants were issued today by the federal judge, and the federal grand jury immediately following returns of the indictment.

## Twenty-four Plead Guilty To Cincinnati Vote Frauds

Three other men indicted on the charge of vote buying were arrested today. Of the ninety-nine men indicted by the grand jury, fifty-three now have been brought into court. Nearly all of the men who pleaded guilty to vote selling were residents of low priced lodging houses. Each admitted that he had sold his vote on the last presidential election for one dollar. In several instances they gave the name of the men alleged to have paid for their votes.

## Four Are Killed When Cleveland Trolleys Crash

## [Republican A. P. Leased Wire]

CLEVELAND, Jan. 27.—Four persons were killed, three being burned to death, and eighteen persons were injured, several seriously, today when an interurban passenger car and an electric package car collided near here on the Cleveland, Columbus and Southwestern electric line.

The accident occurred on a double curve in a stretch of woods. Both cars were traveling at high speed. Occupants of nearby farmhouse dragged the passengers from the wrecked cars.

## Question of Intent Is Put Up to Judge Stanford

Devoting only the morning to the governorship contest, Judge R. C. Stanford of the superior court finished passing on the ballots in contest from the first precinct of the city of Saford—the initial precinct to go into court, but did not take up any subsequent recounting, owing to the limited time.

A number of new rulings were added, but the importance of them cannot be determined without accurate data on the number of ballots affected.

In opening the case again yesterday morning, Judge R. C. Stanford continued argument on ballots marked straight democratic and also split for various candidates below, his main contention being that the court cannot follow the intention of the voter but must accept the markings on the ballot. The court ruled that where the cross designating the split ticket did not occur in the state ticket portion of the ballot the cross in the party column at the top should govern, but recount ballots marked Straight Democratic at the top and for most or all of the Democratic state candidates below except Hunt. Senator Ives offered to bet his case during a heated passage on what was a particular law in Pennsylvania, but was later unable to find the law. No odds were offered.

The next decision was on the marking of the ballots opposite the blank line below Campbell's name, placed there by the law for the insertion of some other name. Campbell's attorney in contending that this should not to show,

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